THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NOS.876,2194 & 2195 OF 2007

Dated: 05-04-2007

WRIT PETITION No. 876 OF 2007

Between

B. Manohar Reddy

..... Petitioner

And

Late Hameedunissa Begum and three others

..... Respondents

WRIT PETITION No. 2194 OF 2007

Between

B. Manohar Reddy

..... Petitioner

And

Late Hameedunissa Begum and three others

..... Respondents

WRIT PETITION No. 2195 OF 2007

Between

B. Manohar Reddy

..... Petitioner

And

Late Hameedunissa Begum and three others

…… Respondents

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

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WRIT PETITION NOS.876,2194 & 2195 OF 2007

COMMON ORDER: (PER BPR J.,)

Since all these three writ petitions arise out of the common order passed in I.A.Nos.4302, 4303 and 4304 respectively, in O.P.No.1235 of 1993 on the file of the Special Land Grabbing Tribunal-cum-Chief Judge, City Civil Court, Hyderabad, dated 18.12.2006, they are being takenup for disposal at the instance of both the learned counsel.

Heard Sri B.Vijaysen Reddy, learned counsel for the petitioner and Sri C.Pandurangarao, learned counsel for the respondents.

I.A.No.4302 of 2006 is filed by the petitioner for re-opening the case and permit the petitioner to lead evidence. I.A.No.4303 of 2006 is filed for summoning the Mandal Revenue Officer and I.A.No.4304 of 2006 is filed for condoning the delay in filing the documents. The court below after contest by the respondents herein, did not find favour with the request made by the petitioner and thereby dismissed all the

three applications. Hence, the present writ petitions are filed.

The learned counsel for the petitioner submits that since the petitioner is in possession of the property for the last 30 years, he may be given an opportunity to prove his case by filing necessary documents. The learned counsel also submits that since the report of the Mandal Revenue Officer is based on the material placed by the respondents and not as per the Revenue records, the Mandal Revenue Officer may be summoned for cross examination in the matter.

The learned counsel for the respondents brought to my notice that on an earlier occasion, the similar relief sought for by the petitioner in I.A.No.3782 of 2005 for summoning the Mandal Revenue Officer was dismissed. Against the said dismissal order, he filed W.P.No.13158 of 2006 before this Court and this Court by order, dated 11.10.2006 dismissed the writ petition by confirming the order of the court below. Hence, the same relief cannot be sought for again by the petitioner.

In view of the submission made by the learned counsel for the respondents that a similar application in I.A.No.3782 of 2005 for summoning the Mandal Revenue Officer was dismissed and the same was confirmed by this Court in W.P.No.13158 of 2006, we do not find any merit in W.P.No.2194 of 2007. Hence, the writ petition in W.P.No.2194 of 2007 is hereby dismissed, confirming the order of the

court below in I.A.No.4303 of 2006.

As regards the other applications in I.A.No.4302 and 4304 in O.P.No.1235 of 1993 are concerned, we are of the view that the rights of the petitioner cannot be denied. Hence, we deem it appropriate to give an opportunity to the petitioner to support his case.

In view of the facts and circumstances of the case, W.P.Nos.876 and 2195 of 2007 are allowed, setting aside the common order passed in I.A.Nos.4302 and 4304 of 2006 in O.P.No.1235 of 1993 on the file of the Special Land Grabbing Tribunal-cum-Chief Judge, City Civil Court, Hyderabad. The Court below is directed to dispose of O.P.No.1235 of 1993 within a period of one month from the date of receipt of a copy of this order. No order as to costs.

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B.PRAKASH RAO J.,

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M.VENKATESWARA REDDY J.,

Dt.05.04.2007
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